

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 2635-01
BILL NO. HB 1226
SUBJECT: Crimes and Punishment: Criminal Procedure
TYPE: Original
DATE: January 27, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	\$1,156,766	\$1,349,348	\$1,286,243
Total Estimated Net Effect on <u>All</u> State Funds	\$1,156,766	\$1,349,348	\$1,286,243

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

In response to a similar proposal, officials of the **Department of Corrections (DOC)** stated that Missouri has executed 6 offenders each year over a three-year period (1995-97, inclusive.) If this proposal was adopted as law, the death sentences would be commuted to life imprisonment without parole. At the end of each year, the DOC would have the extra six inmates remaining in the maximum-security population that would have been executed under the current law.

	END FY POPULATION	AVERAGE POPULATION	EXECUTION SAVINGS	OPERATING EXPENSE	CONSTRUCTION EXPENSE	TOTAL COST W/ INFLATION
FY 2000	6	3	(44,556)	44,664	0	111
FY 2001	12	9	(44,556)	133,992	0	94,883
FY 2002	18	15	(44,556)	223,320	0	195,340

It was estimated the executions would have occurred incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average was used to determine the fiscal impact of the operating expense.

Assumptions used to determine cost and rounded to the nearest whole number include:

- ▶ \$7,426 estimated current per-inmate, per-execution cost, with an annual inflation rate of 3%
- ▶ \$40.79 current inmate per-capita costs of a maximum-security facility (PCC/Potosi Correctional Center) with an inflation rate of 3%

Based on assumptions outlined below, the long-range fiscal impact would be as follows:

	END FY POPULATION	AVERAGE POPULATION	EXECUTION SAVINGS	OPERATING EXPENSE	CONSTRUCTION EXPENSE	TOTAL COST W/ INFLATION
FY 2003	24	21	(44,556)	312,648	0	301,740
FY 2004	30	27	(44,556)	401,976	0	414,348
FY 2005	36	33	(44,556)	491,304	0	533,440
FY 2006	42	39	(44,556)	580,632	0	659,306
FY 2007	48	45	(44,556)	669,960	0	792,243
FY 2008	54	51	(44,556)	759,288	0	932,563
FY 2009	60	57	(44,556)	848,616	0	1,080,589
				Total Ten-Year Fiscal Impact:		5,004,564

ASSUMPTION (continued)

DOC officials indicated that they have three new facilities coming on line in FY2000. Therefore the fiscal impact to this proposal is substantially less than shown in previous years when beds were not available.

Officials of the **State Public Defender (SPD)** stated that last fiscal year they provided representation in 41 death penalty cases. Public Defenders (PD's) are able to provide representation in 3 cases each fiscal year where the client is charged with murder and the death penalty is being sought. Likewise, PD's can provide representation in 18.75 murder cases where the death penalty is not being sought. The average of cost of required experts in a death penalty case is \$20,000 greater than a life without parole case. SPD officials assume this proposal would result in a savings of \$1,156,766 in FY01, \$1,349,348 in FY02 and \$1,286,243 in FY03 to the SPD system.

Officials of the **State Courts Administrator** stated that there are relatively few death penalty cases each year. In FY98, there were 58 cases where the option was put to a jury. Elimination of the death penalty would result in a small number of complex trials being somewhat less complex, thereby freeing judicial resources to expedite other dockets.

Officials of the **Office of Prosecution Services** assume this proposal would have no fiscal impact to their agency.

In response to a similar proposal, officials from the **Office of the Governor** and the **Office of the Attorney General** assumed this proposal would have no fiscal impact to their agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND

<u>Savings - State Public Defender (SPD)</u>			
Personal Service (15.25 FTE)	\$380,978	\$468,791	\$480,511
Fringe Benefits	113,874	140,122	143,625
Expense and Equipment	73,737	91,175	93,909
Reduced Expert Testimony	683,060	844,600	869,938
Total <u>Savings</u> - SPD	\$1,251,649	\$1,544,688	\$1,587,983

L.R. NO. 2635-01
BILL NO. HB 1226
PAGE 4 OF 5
January 27, 2000

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND (continued)

<u>Cost - Department of Corrections (DOC)</u>			
Additional incarcerates	(\$94,883)	(\$195,340)	(\$301,740)

ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>\$1,156,766</u>	<u>\$1,349,348</u>	<u>\$1,286,243</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would repeal the death penalty and commute existing death sentences to life imprisonment without eligibility for probation or parole.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

L.R. NO. 2635-01
BILL NO. HB 1226
PAGE 5 OF 5
January 27, 2000

SOURCES OF INFORMATION

Department of Corrections
Office of the Attorney General
State Courts Administrator
Office of Prosecution Services
State Public Defender
Office of the Governor

NOT RESPONDING: Department of Corrections and Office of the Attorney General

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
January 27, 2000